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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,860	02/11/2004	Wing Sum Vincent Kwan	29617/PM480A	3897

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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

EXAMINER

CAIN, EDWARD J

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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01/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,860

Applicant(s)

KWAN ET AL.

Examiner

Edward J. Cain

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 25-29 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

The amendment received 10/22/07 has been made of record. Claims 1-29 are pending.

The rejections under 35 USC 102 contained in the previous office action are withdrawn in view of applicants' arguments.

Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP '145 in view of either Grouke et al or Carroll et al. As stated in paragraph 13 of the previous office action.

Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP '145. As stated in paragraph 10 of the previous office action.

Claims 1-6, 10, 12-15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP '145. As stated in paragraph 11 of the previous office action.

Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP '145 in view of Arendt. As stated in paragraph 12 of the previous office action.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP '145 further in view of Detrick et al. As stated in paragraph 14 of the previous office action.

Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detrick et al in view of Elfring et al. As stated in paragraph 15 of the previous office action.

Claims 1-6 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detrick et al in view of Elfring et al. As stated in paragraph 16 of the previous office action.

Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detrick et al in view of Elfring et al and further in view of Fasano et al. As stated in paragraph 17 of the previous office action.

Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detrick et al in view of Elfring et al and further in view of Schoenke et al. As stated in paragraph 18 of the previous office action.

Each of these rejections is maintained for reasons of record. Applicants' arguments in traversal of these rejections focuses on allegations that the instant limitation to "about 20 weight percent to about 60 weight percent" patentably distinguishes over the preferred "less than about 20 weight percent" of the EP '145 reference. The examiner disagrees. It is the position of the examiner that the teachings of the reference make obvious amounts of titanium dioxide of up to and including 20 weight percent while applicants' claims read on compositions containing 20 weight percent and even slightly less than 20 weight percent titanium dioxide.

Claims 25-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Cain whose telephone number is (571) 272-1118. The examiner can normally be reached on M-F, 10:00-6:30.

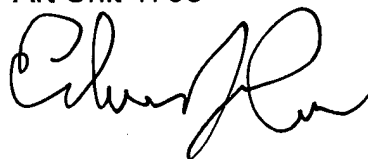
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Edward J. Cain
Primary Examiner
Art Unit 1796

A handwritten signature in black ink, appearing to read "Edward J. Cain", written in a cursive style.